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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,340	11/29/2001	Robert A. Botham	1662-41500 JMH (P01-3632)	6075
22879 7590 01/24/2008 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER ROBERTSON, DAVID	
			ART UNIT 3623	PAPER NUMBER
			NOTIFICATION DATE 01/24/2008	DELIVERY MODE ELECTRONIC

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/997,340
Filing Date: November 29, 2001
Appellant(s): BOTHAM ET AL.

Robert A. Botham et al.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/19/2007 appealing from the Office
action mailed 9/19/2007

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,662,193

Christensen

12-2003

Ekman, Suzanne. Bar Coding Fixed Asset Inventories. Management Accounting, Dec. 1992; vol. 74, no. 6, pg. 58.

xAssets xAM Asset Management Software - Overview [downloaded from
www.wayback.com on 04/02/2007], 2 pgs.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-23 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christensen (US 6,662,193) in view of xAssets ("xAM Asset Management Software Overview").

Claims 1 and 18

Christensen teaches a method and system for taking a physical inventory (see at least abstract); creating raw inventory data (see at least column 1 from line 56, user either inputting data or scanning UPC code); transferring the raw inventory data to a server (the Manipulation Module of Figure 3); converting the raw inventory data into an intermediate database (see Conversion Module of Figure 3 and detailed discussion of the process of raw data handling and embodiments described from column 7, line 53; specifically, data input or scanned into the PDA is converted at Step 308 of Figure 5 into a database (i.e. an intermediate database), prior to reconciliation with the main asset

database); creating a copy of the asset management database (Figure 3, the Data file of the Data Control Module of Figure 3); reconciling records in the intermediate database against corresponding records in the copy of the asset management database (see Step 310 of Figure 5); and updating the asset management database with records accepted during the reconciling step (see Step 316 of Figure 5, deliver data to database"); however, Christensen does not expressly teach reconciliation *by way of a web browser*.

It is old and well known in the art that user interfaces for display and manipulation of database information may be programmed by HTML, Java, and various other web-based technologies, the database contents then viewed and manipulated in a web browser, and further, that providing such web interfaces makes software application interfaces more readily and cost-effectively deployable across internet-accessible computer networks. xAssets, for example, teaches xAM Asset Management Software, which provides access to a Microsoft Access database via Internet Explorer (IE6.0). While Christensen discloses one embodiment and structure employed for the method of inventory and review by the user module (Figure 3 Item 260 and column 9 from line 12) and reconciliation by the user (see column 12 from line 14), Christensen discloses that such methods may be performed in a variety of hardware contexts including generalized communications networks and hardware, of which the internet (web-based technology) is one. Therefore, it would have been obvious to one of ordinary skill at the time of the invention to provide a user module for viewing and reconciliation of inventory data capture by Christensen, implemented by way of a web browser, as this would have

provided a readily available, Windows-compatible, and cost-effectively deployable user interface across internet-accessible computer networks.

Claims 2-4, 17, 19, 20

Christensen teaches taking physical inventory with a hand held bar code device and creating and storing inventory data with location codes (column 10 from line 1), and storing the location data and asset (inventory codes) in the PDA (column 8 from line 60). Christensen teaches variations on embodiments including ASCII format (column 8, line 10).

Claim 5, 21, 22, 23

Christensen teaches variations on embodiments for the transferring data steps generally as including communications over computer networks and embodiments where the various defined software modules may be implemented in different hardware. However, Christensen does not expressly teach copying the raw inventory data to a web server via file transfer protocol (ftp). Official notice is taken that it is old and well known in the art of data communications to use file-transfer-protocol (FTP) over computer networks to transfer files, FTP being an provided an efficient and reliable transfer protocol. That Christensen expressly teaches variations known to those skilled in the art and communications by computer networks, it would have been obvious to one of ordinary skill in the art at the time of invention to implement a file transfer via FTP from the PDA to the manipulation module residing some where on the network, as this would have provided an efficient and reliable transfer means for the raw inventory data.

Claims 6 and 8

Christensen expressly teaches variations on embodiments for locations of software modules in hardware, including variations in where the various software modules are implemented and reside (i.e. in which hardware). In such variations the communications of inventory data from the PDA would necessarily pass through, and thus be copied between and among devices *intermediate* to the server residing elsewhere on the network.

Claim 7

Christensen expressly teaches communications by wireless means (see column 4, line 19). Wireless is inherently a means using electromagnetic waves.

Claims 9, 10, 25, 26

Christensen expressly teaches variations on storage and transfer media, that is, by what means files may be transferred (see column 4 at line 10; magnetic disk (floppy disk) or laptop, and see discussion in claim 1 regarding web-based communications).

Claims 11 and 27

Christensen expressly teaches variations on embodiments where modules may implement a database structure known to those in the art, however, Christensen does not expressly teach the database may be SQL. xAssets teaches an SQL server database (see page 2) as one such possible implementation of a database structure for asset management information. It would have been obvious to one of ordinary skill at the time of invention that such an SQL database could be substituted as the database

structure suggested by Christensen, as this would have provided an implementation of the database module in a well-known and standardized database structure.

Claims 12-16

Christensen teaches a User Module (Figure 2 (260)) for users to query, analyze, and reconcile inventory data, evaluate staff performance, and generate reports and statistical information (column 9 from line 12), and suggest, with xAssets, doing so in a web browser using Internet Explorer; however, Christensen does not expressly teach an identified user accessing records with a password. Official notice is taken that to ensure data integrity and security, computer and networked database systems routinely employ user identification and password protections, and that to do so Christensen would have been obvious to one of ordinary skill in the art at the time of invention for the advantages so mentioned.

3. Claims 29-32, 34, 35, and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christensen (US 6,662,193) in view of xAssets ("xAM Asset Management Software Overview"), and further in view of Ekman ("Bar Coding Fixed Asset Inventories", 1992).

Christensen teaches or suggests in view of xAssets, as in methods claims 1-23 and 25-27, the elements of claims 29-32, 34, 35, and 37-39, for reasons given above; however, Christensen does not expressly teach a method of reconciliation that involves placing indicia on a portion of the copied asset management database, updating the

asset management database with records without the identifying indicia, and using the indicia to identify asset records *not found* during the inventory.

It is old and well known in the art of asset management and inventory tracking that an asset's physical location may differ from the database entry, and that some assets go missing or failed initially to be input into the asset database. Ekman, for example, teaches a reconciliation approach including affixing a flag to the fixed asset record, then taking a physically inventory and upon a first pass reconciliation identifying by the flag those "exceptions", assets whose locations are not confirmed (see page 60, left column). Further Ekman teaches that users have developed custom reconciliation programs to deal with this old and well-known problem. Given Ekman, it would have been obvious to one of ordinary skill at the time of invention, to modify Christensen to flag asset records (an indicia) such that upon performing a physical inventory and producing a user generated report (as suggested at column 9, line 20), would have produced the "exception" report taught by Ekman, thus indicating which asset locations where yet to be resolved. Doing so would have provided a more accurate asset inventory and identified which assets were in need of further accounting.

(10) Response to Argument

With respect to arguments in **Brief** under **VII. A** re: claims 1-23 and 24-27:

Applicant argues Christensen in view of xAssets does not teach or suggest *reconciling records in the intermediate database against corresponding records in a copy of the asset management database*.

Examiner respectfully disagrees: Christensen, at column 6, line 19, describes the embodiment shown in Figure 2, which depicts a number of software modules which carry out the inventory data storage, capture, and reconciliation tasks. Christensen expressly states that such modules may be incorporated and combined in various different computers and within various combinations of modules (see columns 4-5) with software and data stored, copied and transmitted among components including networked components. In the embodiment specifically disclosed, Christensen *inherently produces a copy of the main asset database* and a second intermediate database prior to reconciliation, and therefore, Christensen teaches *reconciling an intermediate database against a copy of the main asset management database*:

From column 8, line 5 (and referring to Figure 2), Data File (246) receives data from Database (240) either through Resource Planning Application (244) or through the Interface Module (250). In one embodiment Data File (246) “is a file readable by database (240)” (see column 8, line 8). By obtaining and transferring data from Database (240), Data File (246) is *a copy of the main asset database*.

From column 8, line 60, Christensen describes the data received in the PDA being converted to a data structure and format compatible with the PDA (column 8 from

line 60), and then further converted by Conversion Module (256). Thus, within the Manipulation Module (220), there appears a database containing records from the main asset database *and* records from the converted raw inventory data from the PDA. That such records, each constituting separate databases, may, in some embodiments, be combined into an optional database (column 9, line 9), the two sets of data, one from the main database and the other from the PDA, the databases exist separately at least prior to and in preparation to reconciliation. Therefore, in at least the embodiment taught by Christensen, and perhaps others according to other embodiments where specific software modules may be differently implemented, Christensen inherently teaches an *intermediate database* and a *copy of the main asset database* existing prior to reconciliation.

With respect to arguments in **Brief** under **VII. B(1)** re: claims 34-35 and 37-39:

Applicant argues Christensen in view of xAssets and further in view of Ekman does not teach or suggest *placing identifying indicia on each location code in the asset management database* because the flag in Ekman “appears to be with respect to inventory data in the scanner.”

Examiner respectfully disagrees: Ekman was used to teach only that it was known to the art of inventory assessment at the time of invention to place a flag on each location code (for each resource) in an asset management database. Ekman expressly teaches an inventory/asset reconciliation approach including affixing a flag to the fixed asset record, then taking a physically inventory and upon a first pass reconciliation

identifying by the flag the “exceptions”, i.e. those assets whose locations are not confirmed (see page 60, left column).

That Eckman operates *differently* by “placing the flag on the record *in a subledger* contained within a bar code reader,” rather than as with the present invention “placing identifying indicia on each location code...in the asset management database” (from Brief, page 16), is irrelevant to the teaching relied upon in Eckman. Nonetheless, even giving weight to how Eckman operates differently with regard to where the identifying indicia is stored, Examiner notes that Eckman teaches placing indicia *in a database* (the subledger is a database), which, when combined with Christensen's teaching of various hardware embodiments with software modules and asset databases being flexibly located in different hardware, suggests obviousness that such indicia could be placed in an asset database other than within the bar code reader.

With respect to arguments in **Brief** under **VII. B(2,3)** re: claims 29 and 30-32:

Applicant argues Christensen in view of xAssets and further in view of Ekman does not teach or suggest *reconciling records in the intermediate database against corresponding records in a copy of the asset management database and placing identifying indicia on each location code in the asset management database*.

Examiner respectfully disagrees: For reasons given above, Christensen teaches *reconciling an intermediate database against a copy of the main asset management database*. As above, Christensen in view Ekman teaches or suggests *placing identifying indicia on each location code in the asset management database*. That

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“writing updated records without the flag ”would render Eckman incapable of identifying exceptions“ (Brief, page 20) is irrelevant to the teaching relied upon in Eckman that it was known to the art of inventory assessment at the time of the invention to place a flag on each location code in an asset management database.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Dave Robertson

/Dave Robertson/ (01/11-2008)

Examiner, Art Unit 3623

Conferees:

Vincent Millin

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